

JURY INSTRUCTED

The Trial of Caleb Powers at Georgetown, Ky., Drawing to a Close.

DEFENDANT IN A NERVOUS CONDITION

The Instructions From the Judge Are Considered Entirely too Severe By the Defendant's Attorneys.

They Are Still Confident of a Verdict in His Favor—Attorney Sims Makes the Opening Speech For the Defense.

Georgetown, Ky., Aug. 15.—The final instructions were read to the jury at 4 o'clock Tuesday afternoon in the Powers trial, and Judge Jim Sims made the opening speech to the jury for the defense. Defendant Powers is in such a nervous and critical condition that his attorneys filed a physician's affidavit that he was unable to attend a night session of the court, but Judge Cantrell said a cot could be prepared for him and he could lie down in the court room during the speeches. Powers was able to sit up, however. The instructions are considered by defendant's attorneys as being entirely too severe and tend to lessen Powers' chances of acquittal, although they are still confident of a verdict in his favor. The instructions are as follows:

"1. The court instructs the jury that a criminal conspiracy is a corrupt combination of two or more persons by concerted action to do an unlawful act by unlawful means.

"2. The court further instructs the jury that an accessory before the fact is one, who, being absent at the time the act is committed, procures, aids, counsels, commands, advises or abets another to commit it, and may be taken, tried and convicted, although the person who committed the act is never identified, apprehended or tried. If the jury believe from the evidence beyond a reasonable doubt that the defendant, Caleb Powers, did in Franklin county and before the finding of the indictment herein, unlawfully and feloniously and with malice aforethought and with intent to bring about or to procure the death of William Goebel, conspire with W. H. Culton, F. W. Golden, Green Golden, John L. Powers, John Davis, Charles Finley, W. S. Taylor, Henry Youtsey, James Howard, Berry Howard, Harlan Whittaker, Richard Combs, or any one or more of them, or other person or persons unknown to the jury, and acting with them or either of them, and did advise, counsel, encourage, aid or procure Henry Youtsey, James Howard, Berry Howard, Harlan Whittaker, Richard Combs, or any of them, or any unknown person or persons acting with them or either of them, to unlawfully, wilfully, feloniously and with malice aforethought, shoot and kill William Goebel, and that in pursuance of said conspiracy and in pursuance to counsel, advice, encouragement, aid or procurement, so as aforesaid given by the defendant, the said Henry Youtsey, James Howard, Berry Howard, Harlan Whittaker, Richard Combs, or other person or persons unknown to the jury, acting with them or either or any of them, did shoot and wound said William Goebel with a gun or pistol loaded with powder and leaden bullet or other hard substance and from which shooting and wounding the said William Goebel did then and there within a year and a day die, they ought to find the defendant guilty of murder and fix his punishment at death or confinement in the state penitentiary for life in their discretion.

"3. They ought to find the said Caleb Powers guilty whether he was present at the time of the shooting or wounding or not or whether the identity of the person so shooting and wounding said William Goebel be established or not; and if the jury shall find the defendant guilty they ought to fix his punishment as indicated in instruction No. 2."

No. 4 same as No. 3 except it provides that it does not matter what change, if any, was made by the conspirators, if any was made, as to their original designs or intentions or the manner of accomplishing the unlawful purpose of the conspiracy.

No. 5 same as No. 4 except it provides the jury must find him guilty although the jury may believe from the evidence that at the time of the shooting, wounding and killing of William Goebel the said Powers was not present and the time of the killing of said Goebel had not been definitely fixed and agreed upon by the conspirators, if there was a conspiracy to kill said Goebel.

"The court instructs the jury that if they believe from the evidence beyond reasonable doubt that the defendant, Caleb Powers, conspired with W. H. Culton, F. H. Golden, Green Golden, John L. Powers, John Davis, Charles Finley, W. S. Taylor, Henry Youtsey, James Howard, Berry Howard, Harlan Whittaker, Richard Combs, or any one or more of them, or with some other person or persons unknown to the jury acting with them or either of them, to do some unlawful act and that in pursuance of such conspiracy of in furtherance thereof of the said Henry Youtsey, James Howard, Berry Howard, Harlan Whittaker, Richard Combs, or some one of them or some other person unknown to the jury acting with them or with those who conspired with the defendant, if any such conspiracy there was, to do the unlawful

act, did shoot and kill William Goebel, the defendant is guilty, although the jury may believe from the evidence that the original purpose was not to procure or bring about the death of William Goebel but was for some other unlawful and criminal purpose.

"The jury can not convict the defendant upon the testimony of an accomplice unless such testimony be corroborated by other evidence tending to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows that the offense was committed and the circumstances thereof. Every fact and circumstance necessary to constitute the guilt of the defendant ought to be proved to the satisfaction of the jury beyond a reasonable doubt; and unless the defendant has been so proven guilty beyond a reasonable doubt, the jury ought to find him not guilty."

FERREL IN COURT.

The Self-Confessed Murderer of Express Messenger Lane Pleads Not Guilty.

Marysville, O., Aug. 15.—Rosslyn H. Ferrel, the self-confessed murderer of Express Messenger Lane, arrived here and was placed in the county jail without bond.

Thronged of curious people surrounded the depot when the train arrived, all craning their necks in an effort to get a glimpse at the cold-blooded murderer. Great excitement prevailed, but no demonstrations were made against the prisoner.

Ferrel was arraigned before Mayor Hamilton on the charge of murder, a warrant sworn to by W. W. Glenn and G. D. Curtis, citing that he had murdered Charles Lane. He entered a plea of not guilty and was remanded to jail. It is probable that there will be no special grand jury and that he will not be given a hearing until the regular term of the court in September.

Staunch Friend of Mexico.

City of Mexico, Aug. 15.—News of the death of Collis P. Huntington was quickly communicated to President Diaz, who was very much affected, for Mr. Huntington was a staunch friend of this country and at the time of his death was negotiating with the government regarding the extension of his railway here. Mr. Huntington's name was associated with many large and substantial enterprises here and he was the first man to build a great railroad into Mexico without a subsidy.

Two Arrests Made.

Kenosha, Wis., Aug. 15.—Wm. and Mary Patterson, accused of abducting little Hazel Patterson, the 11-year-old daughter of Mrs. Will L. Maloney, were taken in custody by Chief of Police O'Hare at Waukegan after an exciting chase. The abductors, who are brother and sister of Hazel's father, live in Wilkesbarre, Pa. They refuse to give their reasons for the attempted abduction.

Murder in a Boarding House.

St. Louis, Aug. 15.—Wm. Dixon, aged 19, was shot and killed by Dennis Burns, a boarder at the former's home. Mrs. Mary Dixon, the mother of the dead man, and Burns had quarreled over money matters and young Dixon was about to shoot, when Burns drew his revolver and shot Dixon in the breast. Burns was arrested.

Taken Into Custody.

Washington, Aug. 15.—A telegram from the division post office inspector in charge at Chattanooga, Tenn., announces the arrest, place not stated, of Robert Leonard and Pony Gaines, in connection with the recent attack on the post office at Mullatt, Fla. The men have been held in \$3,000 bonds.

Two Soldiers Die of Yellow Fever.

Washington, Aug. 15.—Gen. Wood has informed the war department of the death of Private Charles W. Matthews, of the hospital corps, at Pinar del Rio on August 2, and of Private Arthur Fasthoff, Company M, 1st infantry, at Guanajay on August 2; both of yellow fever.

How Bryan Spent the Day.

Chicago, Aug. 15.—Mr. Bryan spent the day in consultation with members of the democratic national committee and with callers from different parts of the country. Among his callers was United States Senator Baker, of Kansas, who merely paid his respects.

Identify Train Robbers.

Goodland, Kan., Aug. 15.—The two Union Pacific train robbers killed near here last week are believed to be James and Thomas Jones, Missouri, and Texas desperadoes. There is a reward of \$3,000 in Missouri and \$500 in Texas for the Jones brothers, dead or alive.

John W. Morton Dead.

Washington, Aug. 15.—Secretary Gage received a telegram announcing the death on July 13, at St. Paul Island, Bering sea, of apoplexy of Special Agent John W. Morton, a son of former Gov. Oliver P. Morton, of Indiana. He was buried on the island.

Will Attempt to Adjust the Scale. Detroit, Mich., Aug. 15.—President T. J. Shaffer and Secretary John Williams of the Amalgamated Association of Metal Workers and about 40 members of the general committee are here and will attempt to adjust the puddlers and finishers scale.

Robbed of Her Diamonds.

Paris, Tex., Aug. 15.—Miss Benedette Brady, of St. Louis, was robbed of \$5,000 worth of diamonds on a train en route to San Antonio, Tex., before reaching Paris.

GETTING NEARER

The Allies Are Now Said to Be Within Sixteen Miles of Peking.

BUT LITTLE REAL OPPOSITION MET

The March Being Made in Intense Heat, But the Health of the Troops Is Good.

An American Mounted Battery Is In the Vanguard—The Legations Desperately Attacked and But Few Defenders Left.

London, Aug. 15.—The only news which takes the advance upon Peking further than Ho-Si-Wu comes from Paris. The London morning papers contain nothing to confirm the French report that the allies are within 16 miles of Peking, although a Chee-Foo dispatch is printed saying that they were within 27 miles of the goal on Saturday. Confirming the report of the arrival of the international forces at Ho-Si-Wu, the Daily Mail's correspondent adds: "The Chinese offered little real opposition. The arrival of the allies frustrated a determined attempt to divert the course of the river. The heat is intense but the health of the troops is good."

A St. Petersburg special says: "The latest news from Gen. Linevitch, commanding the Russian troops in the province of Pe-Chi-Li, is that the allies after the capture of Yang-Tsun took one day's rest, and then, on August 7, a vanguard was formed con-

Yin Huan, the Cantonese who was special ambassador of China to Queen Victoria's jubilee, has created widespread terror and it is believed to be a fact that Yu Lu, the former viceroy of Chi Li, was killed in battle at Yang-Tsun.

NO EASY TASK.

What the Allies Are Liable to Encounter Before They Reach the Chinese Capital.

Washington, Aug. 15.—While the war department has no specific information as to the future movements of Gen. Chaffee it is thought he may have covered the 20 miles between Ho-Si-Wu and Tung Chow. The Pei river makes a great bend between Ho-Si-Wu and Matow, the next town of importance on the road. It is a low, marshy country where the river doubles back on itself in its effort to get forward. The road here cuts across country, reducing about 25 miles of travel to 11 miles of deep and almost impassable road journey through swamps and quagmires.

This country presents no defensive features but about eight miles beyond Matow comes the important city of Ching Chai Wan. This is a strong defensive point where the Chinese will make a stand if they make it at all this side of Peking. From Ching Chai Wan it is practically all a continuous city for the next three miles until the walled town of Tung Chow is reached. Here are stored the immense supplies of grain on which Peking would depend in case of siege. The city would be almost as hard to carry as was Tien-Tsin, probably more so owing to the labyrinth of streets and houses outside its walls where, in case of determined resistance, mines and ambuscades of all sorts would naturally be encountered at every street corner. In case a determined stand is made by the Chinese at this

INTERESTING NEWS ITEMS.

It is announced that the Shah of Persia has abandoned his proposed visit to Berlin.

Joseph E. Ransdell was nominated for congress by the democratic primaries of the Fifth Louisiana district.

The gunboat Mayflower, having on board Gov. Charles H. Allen, of Porto Rico, sailed from the Charleston navy yard for that island.

A big forest fire has been raging six miles west of South Fork, Col., for three weeks and millions of feet of finest timber in the state is burning.

TUESDAY'S NEWS IN BRIEF.

Four boatmen on the steamer Hill City were drowned at Blue Point Landing, Miss.

Ex-Senator John J. Ingalls is critically ill at Los Vegas, N. M., whither he went for his health.

The funeral services over the remains of Lord Chief Justice Russell in London, was attended by several notables.

Another message has been received at the state department from Minister Conger, at Peking. Its contents have not been made public.

Collis P. Huntington, president of the Southern Pacific railroad, died at Pine Knot Camp, near Durant, on Raquette lake, in the Adirondacks.

The Chinese troops are demoralized and offer but little resistance to the relief column. The big battle, if any is to be fought, will take place at Peking.

A semi-official dispatch from Tien-Tsin dated August 8 announces that during the night of July at the bombardment of the foreign legations in Peking was resumed.

At Jamestown, O., A. G. Binghamon, a popular business man, shot and killed his wife and his son-in-law, James Bradley. He then went to the barn and fatally shot himself. Family troubles the cause of the tragedy.

THE NATIONAL GAME.

Pittsburgh and Boston Each Won Two Games and St. Louis the Other One.

First Game—Inns. 1 2 3 4 5 6 7 8 9 R. H. E. Chicago. 0 2 2 0 0 0 0 1 1—6 12 3 Boston. 0 0 0 0 2 2 1 0 2—7 12 2 Batteries—Taylor and Chance; Cuppy and Sullivan. Umpire—Hurst.

Second Game—Inns. 1 2 3 4 5 6 7 8 9 R. H. E. Chicago. 0 1 3 0 0 2—6 9 3 Boston. 0 0 0 1 3 3 0—7 8 2 Batteries—Menefee and Dexter; Dineen, Lewis and Sullivan. Umpire—Hurst.

First Game—Inns. 1 2 3 4 5 6 7 8 9 R. H. E. Pittsburgh. 0 1 0 3 0 3 0 0—7 7 1 New York. 0 0 0 0 0 0 0 0—0 4 1 Batteries—Leaver and Schriver, Mercer and Grady. Umpire—Swartwood.

Inns. 1 2 3 4 5 6 7 8 9 R. H. E. St. Louis. 0 1 2 2 0 1 0 0—6 19 1 Philadelphia. 0 0 0 0 0 0 1 1—2 11 4 Batteries—Young and Criger; Orth and Murphy. Umpire—Terry.

Second Game—Inns. 1 2 3 4 5 6 7 8 9 R. H. E. Brooklyn. 55 53 625 Pittsburgh. 51 42 548 Philadelphia. 47 42 528 Chicago. 46 49 559 Boston. 44 47 454 St. Louis. 40 47 454 Cincinnati. 40 50 481 New York. 35 51 437

THE MARKETS.

Cincinnati, Aug. 14. FLOUR—Spring fancy, \$3.50@3.80; spring family, \$3.10@3.40; spring patent, \$4.40@5.00; winter fancy, \$3.50@3.75; winter family, \$3.25@3.50; low grade, \$2.25@2.50; northwestern rye, \$2.95@3.10; do city, \$3@3.10.

GRAIN—Wheat: No. 2 red quatrable at 75¢ on track. Corn: Sales: No. 2 mixed, track, 41¢; No. 2 yellow, track, 41¢; No. 2 white, track, 42¢; sample white, track, 41¢. Oats: Sales: No. 2 mixed, track, 22¢; do, 22¢; c. Rye: Sales: No. 2, track, 53¢. LIVE STOCK—Hogs: Select shippers, \$5.40; good butchers, \$5.30@5.40; fair to select packers, \$5.30@5.35; fair to good light, \$5.30@5.35; common and roughs, \$4.50@5.15. Cattle: Fair to good shippers, \$4.75@5.25; good to choice butchers, \$4.65@5.10; fair to medium butchers, \$4.45@5.00; common, \$3.25@3.75. Sheep: Extras, \$3.85@4.00; good to choice, \$3.37@3.75; common to fair, \$2.25@2.90. Lambs: Extras, none on sale; good to choice, \$5@6; common to fair, \$3.75@4.35. Veal Calves: Fair to good light, \$9@6.75; common and large, \$3.75@5.75.

Chicago, Aug. 14.—Wheat: No. 2 red, 70¢@77¢; No. 3 do, 72¢@76¢; No. 2 hard winter, 71¢@73¢; No. 1 northern spring, 77¢@77½¢; No. 2 do, 74½¢@75½¢; No. 3 spring, 70¢@74¢. Corn: No. 2, 39¢@40¢; No. 3, 39¢@40¢. Oats: No. 2, 22¢@24¢; No. 3, 23¢@24¢. East Buffalo, Aug. 14.—Receipts: Cattle 225 cars; sheep and lambs, 33 cars; hogs, 80 cars, cattle, good to best, \$5.60@5.80; good to choice butcher steers, 4.65@4.90; common cows, \$2@2.50; spring lambs, choice to extra, \$5.75@6.00; mixed sheep, \$4.25@4.50; heavy hogs, \$5.45@5.55; pigs, \$5.65@5.70.

TIENTSIN TO PEKING.



Section of the Map in Use in the War Department in Washington. The Distance from Tien-Tsin to Peking is 79 Miles.

sisting of one Siberian regiment, one regiment of Bothnia Cossacks, three battalions of Japanese infantry, one Japanese sapper company and an American mounted battery.

"In spite of the condition of the road this column proceeded by forced marches about 11½ days toward Peking, encountering at Man Tuang, about 49 miles from the capital, a Chinese detachment which fought for an hour and a half. Finally the Chinese threw down their arms and fled in a panic.

"When this news was sent back all the allies started forward in three columns, with Cossacks in front and on the flanks."

"The allied troops," says the St. Petersburg correspondent of the Times, "having on August 9 occupied Ho-Si-Wu, have now moved on toward Mu Chang without meeting any great opposition. The artillery is being moved satisfactorily, in spite of the bad roads, which the Japanese are engaged in repairing.

"The Chinese are now concentrated at Hsing-Hoh-Sien, where fighting may be expected."

A special dispatch from Yang-Tsun dated August 7 reports the arrival of supplies there sufficient to last 12 days. The dispatch adds that reconnaissance show the Chinese are demoralized and have fled towards Peking.

The American signal men are keeping the telegraph wires intact along the line of march in the face of great difficulties.

About 50 per cent. of the wounded are cases pronounced to be serious by the attending physicians.

LEGATIONS AGAIN ATTACKED.

Very Few Defenders Left According to a Dispatch From Peking Dated Aug. 8.

London, Aug. 15.—A special dispatch from Shanghai dated August 13 says numerous reports from Peking, dated August 8, have arrived there describing the situation at the Chinese capital. It appears the Chinese are again desperately attacking the legations which had very few defenders left.

It is also alleged that Prince Tuan and a hundred high officials have left Peking and that the news of the capture of Yang-Tsun caused a heavy exodus of the residents. Finally, it is said, that the execution of Cheng

point there is no question that the international column will be forced to wait for all the reserve force it can command. But the officials here are very much in hope that China will come to reasonable terms before our forces are committed to the extremity of forcing this key to the gates of Peking.

Sizzling Hot Weather.

Kansas City, Mo., Aug. 15.—The southwest fairly sizzled Tuesday in the hottest weather known for years. The most intense heat was experienced in Southern Kansas, where the temperature in nearly every town exceeded 100 degrees. The maximum was reached at Salina, where 112 degrees was registered on the streets, and 103 in the shade. McPherson, Kan., reported 107. In Kansas City the government thermometer reached 94 at 4 o'clock, while street thermometers went up to 100. In Kansas the corn leaves curled and ears are dying rapidly.

Packing Plant Closed Down.

Chicago, Aug. 15.—The International Packing Co., a plant at the stock yards, was closed down temporarily for repairs, throwing 1,000 men out of employment. Secretary Bearse announced that the plant would resume operations within two weeks.

Was a Leader in Society.

City of Mexico, Aug. 15.—The death of the wife of Sebastian Camacho, minister of railroads of Mexico, on a railroad train near New York, caused a profound sensation in social circles here, where she was a leader in society.

Left Hooker a Clear Field.

Jackson, Miss., Aug. 15.—Democrats of the Seventh Mississippi district nominated Col. Charles E. Hooker for congress. Maj. Pat Henry, the present incumbent, withdrew from the race several days ago.

Result of Boiler Explosion.

New Orleans, Aug. 15.—John Koenig was killed, Mrs. E. Schwitzer badly burned and seven other persons injured in a boiler explosion at the works of the Carboliteum Wood Preserving Co.

The republicans in the Fourth Maryland congressional district nominated Charles R. Schirm, of Baltimore, for congress. The district is now represented by James W. Denny, democrat.



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Advertisement for Mrs. L. V. Davis, Millinery, Maysville, Ky. Includes a portrait of a woman and the text: Mrs. L. V. Davis, Millinery, Maysville, Ky.

RAILWAY TIMECARDS.

Table for Louisville & Nashville Railroad. Columns: Leave, Maysville Division, Arrive, All trains daily except Sunday.

Table for G. O. Route. Columns: Arrivals at Maysville, No. 16, 10:10 a.m.; No. 2, 1:38 p.m.; No. 3, 5:05 p.m.; No. 4, 8:30 p.m.; No. 1, 10:41 p.m.; No. 5, 5:30 a.m.; No. 6, 8:20 a.m.; No. 7, 11:30 a.m.; No. 8, 2:20 p.m.; No. 9, 4:30 p.m.

Table for Frankfort and Cincinnati Railway. Columns: Read Down, V A F A R S A N D K C, Read Up, Frankfort, Cincinnati, Louisville, Arrive.

Table for Vanderbilt System. Columns: Leave, Chicago, St. Louis and Peoria Division, Arrive, Chicago, St. Louis, Peoria, Cincinnati, Louisville, Frankfort, Lexington, Nashville, Knoxville, Memphis, New Orleans.

Table for Chicago, St. Louis and Peoria Division. Columns: Leave, Chicago, St. Louis, Peoria, Arrive, Chicago, St. Louis, Peoria.

Table for O. & N. Division, Trains East. Columns: Leave, Washington, Baltimore, Philadelphia, New York, Arrive, Washington, Baltimore, Philadelphia, New York.

Table for B. & O. S. W. R. Y. Columns: Leave, Washington, Baltimore, Philadelphia, New York, Arrive, Washington, Baltimore, Philadelphia, New York.